

 सत्यमेव जयते	राजस्थान राजपत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
	साधिकार प्रकाशित	Published by Authority
	ज्येष्ठ 20, शुक्रवार, शाके 1944-जून 10, 2022 <i>Jyaistha 20, Friday, Saka 1944- June 10, 2022</i>	

भाग-7

विभिन्न विभागों में प्रदायों के लिए टेण्डर मांगने की सूचनाओं को सम्मिलित करते हुये सार्वजनिक और निजी विज्ञापन आदि।

RAJASTHAN HIGH COURT

NOTIFICATION

Jaipur, June 06, 2022

SCHEME FOR ESTABLISHING SPECIAL COURTS FOR NEGOTIABLE INSTRUMENTS ACT CASES UNDER PILOT STUDY PROJECT AS DIRECTED BY HON'BLE SUPREME COURT BY UTILIZING SERVICES OF RETIRED JUDICIAL OFFICERS AND RETIRED COURT STAFF TO OPERATIONALISE THE SPECIAL COURTS.

No. 06/SRO/2022 .-Whereas Hon'ble Supreme Court vide order dated 19.05.2022 in Suo Moto Writ Petition (Criminal) No.2 of 2020 in Re : Expeditious Trial of cases under Section 138 of N.I. Act 1881 has issued directions to implement the scheme of employing retired Judicial Officers and retired Court Staff to operationalise Special Courts under the N.I. Act.

Initially this scheme shall be implemented in five Judgeships which may be further extended in other Judgeships as per directions of the Hon'ble Supreme Court.

In pursuance to the guideline provided in the order to obtain the services of retired Judicial Officers and retired Court Staff and to provide mode and modalities of engaging such Judicial Officers and Court staff; providing method of selection, duties, general condition of contractual service etc. and for creating/establishing Special Court and other aspect to operationalize the Special Courts, Hon'ble the Chief Justice, hereby provides following guidelines :-

1. Title:

The guidelines provided hereinafter shall be called "Scheme for establishing Special Courts for Negotiable Instruments Act Cases by utilizing the services of Retired Judicial Officers and Retired Court Staff to operationalise these Special Courts."

2. Definitions:

- 'Chief Justice' means Hon'ble Chief Justice of Rajasthan High Court.
- 'State Government' means Government of Rajasthan.
- 'Presiding Officer' means Officer retired from Rajasthan Judicial Services, appointed as Special Judicial Magistrate/ Metropolitan Magistrate by the State Government on the recommendation of the Chief Justice under this Scheme.
- 'Special Court' means "Pilot Study Special Judicial Magistrate / Metropolitan Magistrate (N.I. Act cases) Court" operationalise under the N.I. Act notified by the Government under section 13 and 18 of Cr.P.C. in pursuance to the Scheme of the Hon'ble Supreme Court.

- (v) 'Court Staff' means retired Court Staffs who has been engaged in Special Court under this Scheme.
- (vi) 'Nodal Officer' means Concerned District Judge of the Judgeship in which such Special Courts are established.
- (vii) 'High Court' means Rajasthan High Court.

3. Creation / establishment of Courts :

Special Courts under N.I. Act under the Pilot study shall be established under section 13 & 18 of Cr.P.C. by notification of the State Government on the recommendation of the Chief Justice.

4. Building / Infrastructure and other facilities :

The Special Courts shall be established in the existing court campus and if space for the same is not available then same shall be established in suitable Government buildings. In case Government building is not available then rented building may be taken for the same, for which rent shall be payable as per the prevailing Government practice and procedure.

Required funds for the establishment, furniture, fixture, Video Conferencing Setup, Computer, day to day functional needs, office expenses, etc. shall be provided by the State Government as per the demand made by the High Court for this purpose in the appropriate Budget Head of concerned District Judge and same shall be spent/ utilized by the concerned District Judge who will be Nodal Officer for the implementation of the Scheme.

5. Presiding Officer :

The Officer retired from Rajasthan Judicial Services, shall be appointed as Special Judicial Magistrate/ Metropolitan Magistrate by the State Government on the recommendation of the Chief Justice.

Retired Judicial Officer who has not attained 64 years of age (as on the last date of submission of application form) shall be eligible for being appointed for the term of one year on contract basis as Special Judicial Magistrate.

Applications for the same shall be invited by publishing a 15 day's notice on the official website of Rajasthan High Court.

The Selection for appointment shall be made by Judge In-charge nominated for this Pilot Study or by any other Judge/ Judges nominated by the Chief Justice for selection purpose on the basis of service record and interaction.

A fixed honorarium of Rs. 1,00,000/- per month shall be paid to the Retired Judicial Officer.

Decision to determine, mode & procedure for selection and other condition of selection will be at the discretion of the Judge nominated for the selection process.

6. Court Staff :

The strength of the staff for each Special Courts and fixed monthly Honorarium shall be as follows:

Name of Post	No. of Post	Honorarium
Reader Gr. III	1	Rs. 35,000/-
Stenographer Gr. III	1	Rs. 40,000/-

Clerk Grade I	1	Rs. 35,000/-
Clerk Grade II	2	Rs. 27,000/-
System Assistant	1	Rs. 27,000/-
Class IV	3	Rs. 24,000/-

Required sanction for the same shall be issued by the State Government.

Appointment on these posts shall be made by the Nodal Officer from the retired Court employees who have not attained the age of 65 years purely on contractual basis adjudging their eligibility and suitability on fixed honorarium initially for one year. The terms and conditions (except Honorarium) for engaging contractual employees as prescribed in Circular No.F.17(10)DOP/A-II/94 dated 08.02.2018 of Department of Personnel, Government of Rajasthan as amended from time to time, shall be applicable for such appointment. In case of non-availability of retired court employees, employees retired from other departments be considered for appointment. Further, if no retired employees of other department is available for the same then Nodal Officer can take the services of eligible candidate on contract basis as per the practice, procedure and rules of the State Government.

7. Conduct

Retired Judicial Officer and Retired staff engaged in special Court shall maintain devotion to duty and high standard of moral during the term of engagement. He/she will not disclose any fact which comes to his / her knowledge on account of such official attachment, during after completion of term of engagement, unless such disclosure is legal required in discharge of lawful duties.

Retired Judicial Officer and Retired staff engaged in special Court shall not accept any other assignment during the term of the engagement.

He/she will not leave headquarter without seeking permission.

He/She will not avail leave without getting it sanctioned. In any case of emergency he/ she will immediately contact and convey his/her inability to attend the office to the leave sanctioning authority.

In case of unsatisfactory services or misconduct or indiscipline by the retired Judicial Officer/ Retired court staff, his/her contractual services shall be terminated without notice.

8. Attendance and Leave

Retired Judicial Officer and Retired staff engaged in Special Court shall be entitled to one casual leave on completion one calendar month and unavailed casual leave will accumulate uptill the calendar year. No other kind of leave shall be admissible to them.

Nodal officer shall be competent authority to accord permission to leave Headquarter and sanction the leave to such retired Judicial Officer.

Retired Judicial Officer engaged in these courts shall be competent authority to accord permission to leave Headquarter and sanction leave to the staff.

Intimation of leave taken during a month shall be send to the District Judge on the last day of the month for preparation of bill of Honorarium.

In case of leave (other than Casual Leave) taken by the retired Judicial Officer/ Retired Court Staff, it's intimation shall be given to the Rajasthan High Court.

9. Drawing and Disbursing Authority

Drawing and disbursing authority of all the bill of Special Courts shall be Concerned District Judge or the Officer authorized by him for the purpose.

10. Undertaking

Before taking over the assignment retired Judicial officer/ retired staff shall submit an undertaking that :-

- (a) He/she not having any financial or other interest which may adversely affect the functioning of Special Court,
- (b) He/she will not accept any other assignment during contractual term, and
- (c) No Criminal case has been instituted or is pending against him/her.
- (d) He/she will maintain devotion to duty and high standard of moral, during the term of engagement.

11. Cases to be heard by the Special Court.

- (i) The Special Courts shall adjudicate upon only those cases in which summons have been duly served and the accused has entered appearance through a lawyer or in person which shall be transferred by the District Judge. The oldest pending cases in which service of summons is complete must be identified in a chronological manner (oldest first). It must be ensured that no case where service of summons is incomplete is sent to the Special Courts.
- (ii) All such cases should be identified and a comprehensive list of these cases should be posted before the regular Magistrates expeditiously so that cases which can be settled are referred to mediation immediately and are hence, not part of the cases to be sent to the Special Courts. The final comprehensive list of cases, where service is complete and the matters are not referred to mediation, must be identified by the concerned District Judge and such cases will be transferred to the Special Courts.
- (iii) The Special Courts set up for the pilot study shall follow the same procedure with respect to trial as mandated by the Criminal Procedure Code, 1973 and will follow General Rules (Civil and Criminal) 2018. In order to ensure speedy disposal of cases, adjournments should not be routinely given, especially on the ground of lack of notice. Further examination of outstation witness may be conducted online as per Rajasthan High Court Rules for Video Conferencing for Courts, 2020 by following appropriate protocol so that the delay in trial due to commute of the witnesses is avoided. This Court will hear and adjudicate the cases under NI Act cases exercising powers under the act.
- (iv) An advance list of all matters to be taken up by the Special Courts should be circulated to give adequate notice to all counsel that such matters shall be taken up on priority basis by the respective Special

Courts. Further, weekly lists shall also be published notifying all the matters listed for final disposal.

- (v) A list or panel of mediators must be identified by the Rajasthan State Legal Services Authority and circulated to all the Presiding Officers of the Special Court. In the event that the accused indicates willingness to settle at stage of trial before the Special Court, the Presiding Officer must refer the case to time-bound, online mediation before one of the identified mediators to prevent further delays.
- (vi) A weekly statement of disposal shall be sent to the Registrar General, Rajasthan High Court who shall actively monitor the progress of the pilot study.
- (vii) The directions issued by Hon'ble Supreme Court in this regard from time to time shall also be complied with under this Scheme.

12. Training :

The selected Retired Judicial Officers who are likely to be appointed in the Special Courts shall be imparted four- week specialized training by the Rajasthan State Judicial Academy on topics of substantive, procedure and evidence law related to the offences under the NI Act. Further, a detailed ready reckoner with governing case law and practice directions shall be prepared and circulated by the Rajasthan State Judicial Academy to assist them in the adjudicatory exercise.

13. Working Days and timings of Special Courts :

The working days and working hours of Special Courts shall be the same as per the Civil Courts of Rajasthan.

14. In case of any difficulty arises in implementation of the Scheme or interpretation, same shall be decided by the Chief Justice.

15. The Chief Justice shall have powers to amend these guidelines as also have powers to issue further directions in the light of directions of Hon'ble Supreme Court of India from time to time for the purpose of effective implementation of this Pilot Project Scheme.

**BY ORDER OF HON'BLE THE
CHIEF JUSTICE**

**SURYA PRAKASH KAKRA,
REGISTRAR GENERAL.**

राज्य केन्द्रीय मुद्रणालय, जयपुर।